

Application No.: 09/802,421

Docket No. D02478

REMARKS

A. Status of the Application

Claims 70-84 are presently under consideration in the instant application.

The Examiner had rejected Claims 71 and 77 under 35 U.S.C. §112, and Claims 70-87 under 35 U.S.C. §102(e).

With this response the Applicant has requested that claims 70-87 be amended.

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B. Rejections of the Claims under 35 U.S.C. § 112

The Examiner rejected claims 71 and 77 under 35 U.S.C. § 112 for lacking the proper antecedent basis for the limitation "entire program content". To expedite prosecution the Examiner examined the these claims substituting the term "entire information content" for the term "entire program content".

Applicant thanks the Examiner for this courtesy, and has formalized these substitutions with the amendment of claims 71 and 77 in this response.

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C. Rejections of the Claims under 35 U.S.C. § 102

The Examiner rejected claims 70-87 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,802,077 ("Schlarb"). In doing so the Examiner contended that Schlarb substantially disclosed all of the features specified in the three pending independent claims (70, 76 and 82), as well as every dependent claim.

As the Examiner properly characterized Schlarb, it provides for a system wherein an entire program (a particular pay-per-view program or event) may be provided to a subscriber. This type of subscriber system is not analogous, much less anticipatory of the Applicant's invention. However, the Examiner's rejection served to alert the Applicant to the manner in which Claims 70-87, as filed, could be interpreted as reading upon a system such as that disclosed in Schlarb.

In this response, the Applicant has requested that each of the pending claims be amended to more particularly describe the novel aspects of the instant invention. In particular, the Applicant has explicitly added the limitations of "a pay-by-time" and "time-limited" to ...

For example, with respect to Claim 70, the presently amended claim now reads:

70. A method for receiving information content from an information distribution system, wherein the information content is divided into a plurality of *time-limited* portions, the method comprising:

prompting for a *pay-by-time* subscription to either a first multicast group that receives a first *time-limited* portion of the entire information content or a second multicast group that receives a second *time-limited* portion of the entire information content;

receiving a selection to subscribe to either the first multicast group or the second multicast group;

providing either the first *time-limited* portion of the entire information content or the second *time-limited* portion of the entire information content depending on the selection;

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prompting for *a pay-by-time* subscription to a third multicast group wherein the third multicast group receives a third *time-limited* portion of the entire information content and wherein the prompting for *the pay-by-time* subscription to the third multicast group occurs after the selection to subscribe to the second multicast group and substantially near the end of the second *time-limited* portion of the entire information content.

With this response, the Applicant has requested similar limitations be placed upon independent Claims 76 and 82, as well as all dependent claims in this application.

Schlarb discloses a pay-per-view (i.e., pay-by-event) arrangement wherein subscribers gain access to purchased events via one or more multipurpose PPV channels, and in particular a system wherein advertising is streamed to PPV viewers during "interstitial" (non-program) times. Contrastingly, the Applicant's invention is directed to providing a subscriber with the ability to incrementally purchase time blocks of programming, as is now very clearly claimed. Nothing in Schlarb anticipates, or even suggests such an incremental time-based subscription scheme. Accordingly, Applicant requests that the Examiner reconsider Claims 70-87, as presently amended, and

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CONCLUSION

The presently amended claims are believed to patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Dated: March 22, 2006

Respectfully submitted,

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